

Appl. No. 10/723,738

ACH2973US

Amendment dated January 30, 2006

Reply to Office Action of September 30, 2005

REMARKS**The Claims**

Claims 1 and 10 are amended to clarify that the silica-alumina molar ratio of at least 40 is the bulk silica-alumina molar ratio. This amendment is supported by the specification as filed; see, e.g., page 4, lines 16 – 19.

Claim 2 is amended to remove the words "in particular exhaust gas from a diesel or gasoline engine".

Claims 7 – 9 and 12 – 14 are withdrawn from consideration.

Comments

Applicants hereby affirm the election, with traverse, to prosecute the invention of Group I, claims 1 – 6 and 10 – 11.

35 USC 112

Applicants have amended claim 2 in order to overcome the rejection under 35 USC 112.

35 USC 102

Claims 1 and 3 are rejected under 35 USC 102 as being anticipated by Gioffre et al. Claim 1 as now amended, and thus claim 3, which depends from claim 1, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. Gioffre et al. disclose, among other things, use of a molecular sieve having a framework $\text{SiO}_2/\text{Al}_2\text{O}_3$ molar ratio (SAR) of from 200 – 500 (see, e.g., col. 2, lines 44 – 47). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). Gioffre et al. do not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, Gioffre et al. do not

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teach each and every element of claims 1 and 3 as now amended.

Applicants respectfully request removal of the 35 USC 102 rejection in view of Gioffre et al.

Claims 1 – 6 and 10 – 11 are rejected under 35 USC 102 as being anticipated by WO 95/15208. Claims 1 and 10, as now amended, and thus claims 2 - 6, which depend from claim 1, and claim 11, which depends from claim 10, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. WO 95/15208 discloses, among other things, use of a zeolite having a framework molar $\text{SiO}_2/\text{Al}_2\text{O}_3$ ratio (SAR) of greater than 10 (see, e.g., page 4, lines 3 - 4). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). WO 95/15208 does not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, WO 95/15208 does not teach each and every element of claims 1 – 6 and 10 – 11, as now amended.

Applicants respectfully request removal of the 35 USC 102 rejection in view of WO 95/15208.

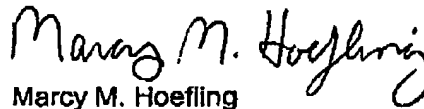
35 USC 103

Claims 1 – 6 and 10 – 11 are rejected under 35 USC 103 as being unpatentable over WO 95/15208 in view of Cooper et al. Claims 1 and 10, as now amended, and thus claims 2 - 6, which depend from claim 1, and claim 11, which depends from claim 10, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. As stated in regard to the 35 USC 102 rejection in view of WO 95/15208, WO 95/15208 discloses, among other things, use of a zeolite having a framework molar $\text{SiO}_2/\text{Al}_2\text{O}_3$ ratio (SAR) of greater than 10 (see, e.g., page 4, lines 3 - 4). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). WO 95/15208 does not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, WO 95/15208 does not teach each and every element of claims 1 – 6 and 10 – 11, as now amended. Further, Applicants' opinion is that claims 1 – 6 and 10 – 11 are non-obvious over WO 95/15208 in view of Cooper et al.

Applicants respectfully request removal of the 35 USC 103 rejection over WO
95/15208 in view of Cooper et al.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.
The Examiner is encouraged to contact Applicants' attorney should the Examiner wish
to discuss this application further.

Respectfully submitted,



Marcy M. Hoefling
Reg. No. 33,955
Attorney for Applicants

Telephone No.: (225) 388-7210
Facsimile No.: (225) 388-7239

Enclosure